

2009 Report on Act 44, Section 46 (Truancy)

An Act Relating to Miscellaneous Amendments to Education Law

**Report/Recommendations to the House and Senate Committees on
Education**

December 15, 2009

**Submitted by:
Armando Vilaseca, Commissioner of Education**



**Commissioner's Office
(802) 828-5937**

TABLE OF CONTENTS

I. Legislative Charge and Executive Summary.....	2
II. Specific Recommendations	5
Appendix A. Chittenden County Truancy Protocol.....	7
Appendix B. Rutland County Truancy Protocol.....	8
Appendix C. Orleans County Truancy Memorandum of Understanding	9
Appendix D. Letter to Commissioner Vilaseca with attached attendance protocol and data from Ron Stahley, Ed. D., Superintendent of Windham Southeast Supervisory Union; Lisa Keller, District Director, Brattleboro Family Services, DCF and Tracey Shriver, Windham County State’s Attorney	13
Appendix E. Addison County Secondary School Principal’s Consortium Protocol	20
Appendix F. Letter from Dennis Hill, Assistant Principal, Bellow Free Academy Concerning the Franklin West Supervisory Union Protocol.....	24
Appendix G. Chart of Supervisory Unions Overlapping Counties.....	27

I. LEGISLATIVE CHARGE AND EXECUTIVE SUMMARY

In 2009 the Legislature commissioned this report concerning truancy with the passage of Act 44, (H. 427), An Act Making Miscellaneous Amendments to Education Law. Section 46 of this Act directed the Commissioner to examine the need for legislation concerning truancy by engaging in the following process:

(a) On or before September 30, 2009, and in consultation and coordination with the executive director of the department of state's attorneys and sheriffs, interested judges of the Vermont district courts, and school district personnel, the commissioner of education shall develop and publish on the department of education's website comprehensive model truancy protocols consistent with the provisions of 16 V.S.A. chapter 25, subchapter 3, that confront truancy on a statewide, countywide, and supervisory union wide basis and include the post-complaint involvement of both state's attorneys and the court system under 16 V.S.A. § 1127.

(b) On or before December 15, 2009, the commissioner shall propose to the house and senate committees on education any legislative amendments or additions necessary to implement the purposes of this section.

(c) The commissioner shall ensure that, on or before July 1, 2010, the supervisory unions in each county adopt truancy policies that are consistent with and carry forward the purposes of this section.

(d) On or before January 15, 2011, the commissioner shall report to the house and senate committees on education regarding implementation of this section.

In response to this legislative directive, the Commissioner formed a workgroup consisting of Jane Woodruff, Executive Director of the States Attorney's and Sheriff's Association (subsequently replaced by Keith Flynn, State's Attorney for Orleans County as Attorney Woodruff was out on medical leave); Mary Moran, Superintendent of Rutland City School District; Steve Urgenson, Superintendent of Orleans Central Supervisory Union, Martha Maksym, Director of Community Investments, United Way of Chittenden County; Elaine Pinckney, Superintendent of Chittenden South Supervisory Union; Jeff Francis, Executive Director of the Vermont Superintendents Association; Ken Page, Executive Director of the Vermont Principals Association; John Nelson, Executive Director of the Vermont School Boards Association and Cindy Walcott, Deputy Commissioner for Family Services, Department for Children and Families (DCF). The Hon. Amy Davenport, Administrative Trial Court Judge was also contacted regarding soliciting input from the judiciary.¹

The focus of the group was to comment on two different truancy prevention protocols, in Rutland and Chittenden counties, developed by collaborative groups that included the local States Attorney, judges, school officials, community service providers and DCF. Both protocols use a model inviting the family to participate in a team effort to develop a family intervention plan to promote school attendance prior to the initiation of any court action. *See Appendices A and B.*

¹ Judge Davenport asked that input be solicited from the judiciary at the end of the group discussion, prior to the Commissioner's final decision on posting protocols. Judge Davenport supported the posting of both the Chittenden County and Rutland County protocols. She was aware of these protocols, as they were developed in collaboration with Judge Cruccitti and Judge Corsones. Both judges strongly believe these models are working well regionally.

The protocols had significant differences in the number and types of absences that would trigger a request for legal intervention. Chittenden County has intentionally chosen to count both excused and unexcused absences in determining when to refer a case to the State's Attorney. When a student has missed a total of 20 days in a semester, or the family refuses to work with the intervention team, the case is referred to the State's Attorney for the initiation of court action. In Rutland County, a case is referred to the State's Attorney when a student has had 10 unexcused absences or the family refuses to work with the intervention team.

The timeframes for other steps leading up to a referral to the State's Attorney also vary. In Chittenden County, more than five absences will trigger a letter to the family outlining the process that will be followed if absences continue and offering assistance. In Rutland County five unexcused absences will result in the same type of letter. In Chittenden County, a follow-up letter is sent after 10 absences, and 15 absences will result in a letter to the family that actually sets a date for an intervention team meeting. In Rutland County, the letter setting a date for an intervention team meeting is sent after seven unexcused absences.

The discussion within the workgroup centered on whether excused absences should be taken into consideration and the number of absences that would trigger court intervention. Comments from the group indicated that both protocols were working well in their respective counties and that the differences reflected student population size and available resources.² However, concern was expressed by some members of the group that using 20 absences per semester (even factoring in that some of these were excused) as the trigger for court intervention meant that intervention was untimely; at that point the student would already be failing his/her classes. Ultimately, rather than choosing one protocol over the other, or trying to develop yet another protocol that might not be realistic given regional differences, the Commissioner posted both models and asked for statewide comments from both public school staff and independent school staff on the protocols and truancy legislation. Comments were also solicited by DCF from its regional directors.

The majority of the comments received confirmed that regional differences should be taken into account in establishing truancy protocols. These include the availability of local service providers, State's Attorney caseloads, judicial caseloads and DCF caseloads. In addition, it is apparent that a great deal of time and effort has already gone into the development of collaborative truancy policies and protocols. Orleans County has a truancy MOU and recently developed an attendance protocol using the family intervention team model. *See Appendix C.* Windham County has a long-established truancy project, with a similar attendance protocol for the Windham Southeast Supervisory Union. *See Appendix D.* The Addison County Secondary School Principals Consortium developed an attendance protocol in collaboration with Judge Toor and DCF. *See Appendix E.* Franklin County has a truancy project and is currently developing a uniform attendance protocol for the Franklin Central Supervisory Union. *See Appendix F.*³ These protocols, like Chittenden and Rutland, calculate the number and types of absences (excused or both unexcused and excused) differently. While a uniform statewide attendance protocol might be preferable, the Commissioner believes that more information is necessary to make this determination. However, a countywide system is preferable to a system where multiple supervisory unions within a county have different protocols. The State's Attorney

² During the 2008-2009 school year Chittenden County had a total student enrollment of 22,403. Rutland County's total student enrollment for this school year was 8,989.

³ There is currently no survey data available on the number of supervisory unions that have SUwide attendance protocols.

has countywide prosecutorial authority, the courts have countywide jurisdiction and students are often mobile within a county.

Comments from the field also note the advantage of having a staff person within the supervisory union to track student attendance, and coordinate with the service providers involved in the family intervention plan.

The few comments from independent schools indicate the need for changes to the truancy statutes to delineate a clear process for them to follow in addressing truancy. However, changes to truancy statutes that affect independent schools should be the subject of a much more inclusive discussion. Therefore, the Commissioner is not recommending such legislation at this time.

State's Attorney Flynn commented that the current system of allowing the State's Attorney to file either a criminal charge of truancy or an educational neglect petition was appropriate given the varying causes of truancy.⁴ The provision allowing the truant officer to stop and take a student who is subject to compulsory attendance requirements directly to school is also a valuable tool.⁵

The recommendations that follow are responsive to the comments received.

⁴ A truancy case can be brought in family court pursuant to petition alleging that the child is in need of care and supervision on the grounds that the child is "habitually and without justification truant from compulsory school attendance." *See* 33 V.S.A. § 5102 (3)(D). It can also be brought in district court pursuant to 16 V.S.A. § 1127 and the person having control of the child may be fined not more than \$1,000.

⁵ 16 V.S.A. § 1128.

II. Specific Recommendations

1. **The Commissioner recommends that all supervisory unions and supervisory districts in Vermont be required to participate in a countywide⁶ collaborative effort that includes the local State's Attorney, a representative of the Department for Children and Families, appropriate community service providers, and members of the judiciary, to develop countywide school attendance policies and protocols with specific parameters.** He further recommends that independent schools be invited to participate in the process of formulating these policies and protocols. This recommendation acknowledges the collaborative work that has already been done or is currently underway to ensure school attendance, the success of the community intervention model, the need for flexibility given regional differences in resources and student populations and the number of independent schools accepting publicly tuitioned students.

The Commissioner will direct all public schools in Vermont to develop countywide school attendance policies and protocols no later than July 1, 2010, using a collaborative intervention team model. The Commissioner already has the authority under Act 44 of 2009 to call for public schools to develop these policies and protocols. In addition, the Commissioner has existing authority under 16 V.S.A. § 212 (a)(5) to supervise and direct the execution of laws relating to the public schools. Finally, as described in Section I of this report, there are a number of collaborative truancy projects in different counties. There is a shared recognition of the need for attendance protocols using a family intervention model. No additional legislation is needed to accomplish this objective.

After two years the Commissioner will direct all supervisory unions and supervisory districts to provide him with data to determine the effectiveness of their protocols. The Commissioner already has the authority to direct superintendents to furnish him with data that he requires. *See* 16 V.S.A. § 242 (4). No additional legislation is needed to accomplish this objective. Once these data are available, consideration can be given to whether or not there is a need to adjust the attendance protocols and/or consider establishing a statewide uniform protocol.

2. **The Commissioner recommends the following parameters for these attendance policies and protocols:**
 - a. They will be in effect from the outset of compulsory attendance, rather than focusing on middle school and high school students.
 - b. The Commissioner has a preference for attendance protocols calling for judicial intervention after no more than 10 unexcused absences. If both excused and unexcused absences are considered as a basis for intervention, the school must establish a timely and informal appeal process to be used prior to a team intervention meeting.
 - c. In the event that a protocol uses excused as well as unexcused absences as a basis for intervention, a referral to the Judiciary will be initiated whenever a student has no more than 18-20 days of absences a year. This would be about 10 percent of the school year.

In supervisory unions that overlap counties, all schools shall follow the protocol developed in the county where the supervisory union office is located.

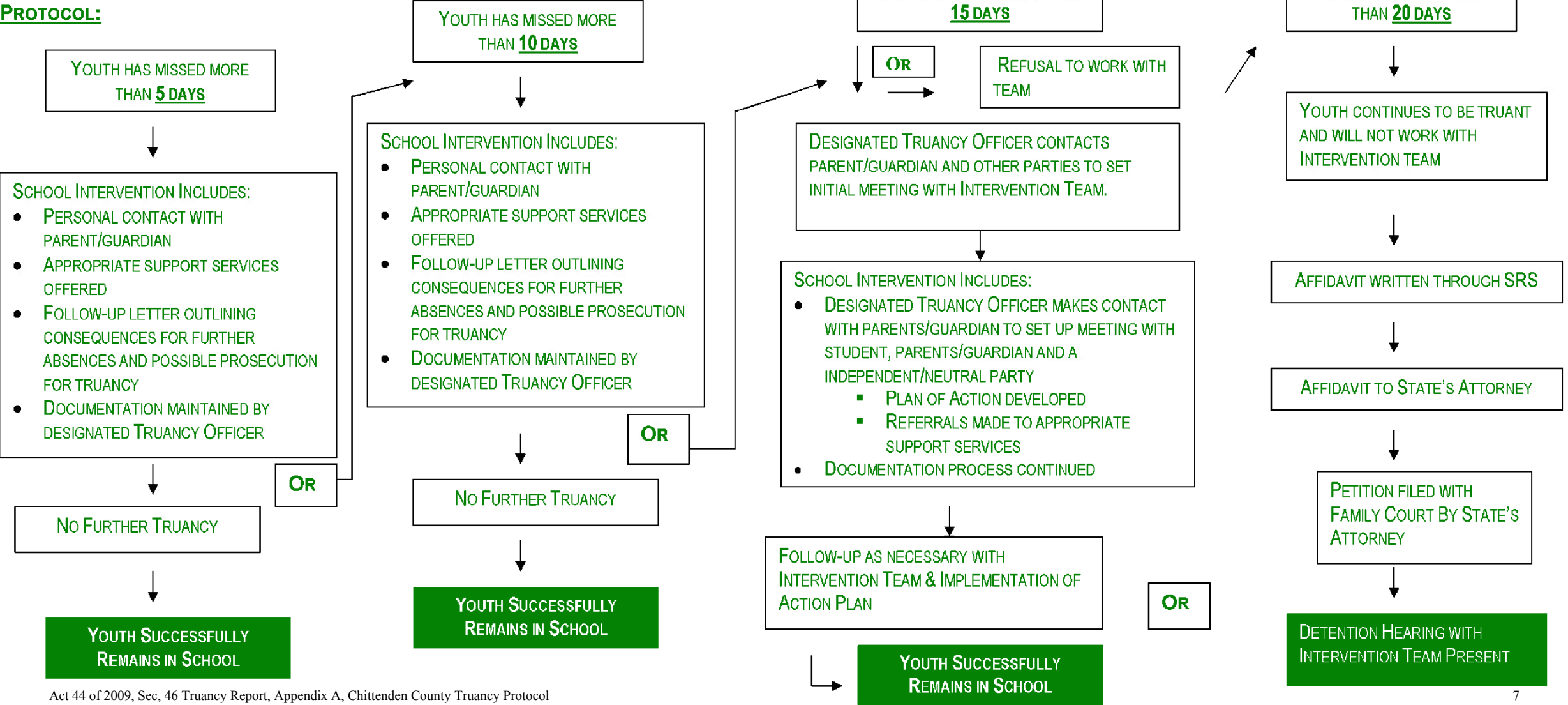
⁶ There are 15 supervisory unions overlapping counties. *See* Appendix G.

3. **The Commissioner recommends the repeal of 16 V.S.A. § 1076.** This statute imposes fines on superintendents and truant officers (\$100) as well as teachers (\$5-\$25) “who fail to perform their duties under Chapter 25.” This statute is outdated and unnecessary. It is outdated in that Chapter 25 now includes numerous provisions that are not related to truancy. This statute is unnecessary as the Commissioner has the authority to recommend licensing disciplinary action against both teachers and school administrators for serious misconduct. Employment action is also an option for addressing dereliction of duty by school staff. Finally, since school boards appoint truant officers they may change the appointment when necessary. *See* 16 V.S.A. § 1125.
4. **The Commissioner recommends the consideration of legislative funding for a full- or part-time staff person, depending on student population size, for each supervisory union or supervisory district to coordinate the work of the family intervention team and to track the success of the intervention plan and student attendance.**

CHITTENDEN COUNTY ATTENDANCE POLICY

STAYING IN SCHOOL IS THE FIRST STEP TO A GOOD EDUCATION. STUDENTS CANNOT LEARN IF THEY ARE NOT IN SCHOOL. ABSENCES FROM SCHOOL FOR ANY REASON (ILLNESS, VACATION, RELIGIOUS HOLIDAYS, FAMILY DEATHS AND OTHERS) AFFECT A STUDENT’S ABILITY TO LEARN AND SUCCEED.

POLICY:
A STUDENT SHALL BE DECLARED TRUANT IF HE/SHE HAS HAD ANY ABSENCE FROM SCHOOL FOR MORE THAN 20 DAYS. AFTER FIVE ABSENCES, THE FOLLOWING PROCEDURES WILL BE FOLLOWED.

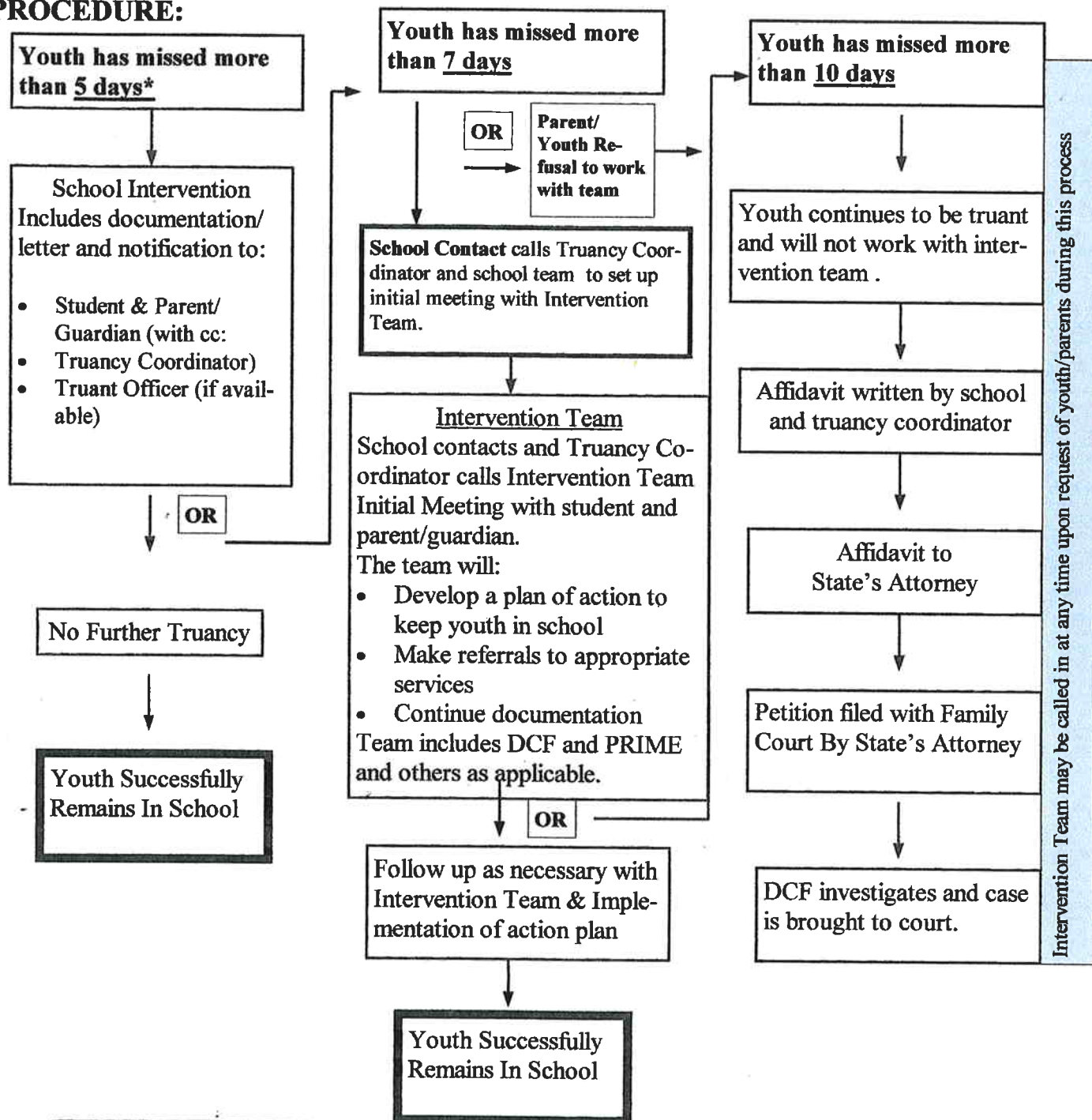


Regional Attendance/Truancy Policy and Procedures

POLICY:

"A student shall be declared truant if he/she has had unexcused absences from school for more than ten days in one semester. Truant is inappropriate absences from school, which is defined as unexcused or insufficient excuse for absence. After five inappropriate absences, the procedures will be followed. "

PROCEDURE:



* Districts utilize their own interventions and are in contact with students and families prior to beginning the process. This ensures that the students and families have been informed of the attendance policy. The onset of this process is left to the individual school's discretion.

TRUANCY

MEMORANDUM of UNDERSTANDING

Truancy programs are the responsibility of the community and not just of schools, parents, or the courts. Today, truancy* is cited as one of the top ten problem areas for our nation's schools, the impact of which is felt not only by the children, but by our society as a whole. Through the work being done by The Vermont Consortium for Successful High School Completion, four key elements of effective truancy programs have been identified:

- Involve the student's family in prevention activities
- Impose firm sanctions for truant behavior
- Create meaningful incentives for parental responsibility
- Involve local law enforcement in truancy reduction efforts

It is axiomatic that regular school attendance is an important factor in school success. Students who are chronic non-attendees receive fewer hours of instruction; they often leave education early and are more likely to become long term unemployed, homeless, caught in the poverty trap, dependent on welfare, and involved in the justice system. A lack of commitment to school is well established as a risk factor for substance abuse, delinquency, teen pregnancy, and dropping out of school.

Truancy is clearly a complex problem with many related risks—but potentially catastrophic long term implications both for individual students and for society. The purpose of the Truancy Group is to address this problem in its earlier stages and, where possible, avoid its associated negative outcomes.

Goal: To address truancy issues in the School Districts of Orleans County. The goal of the Truancy Group will be to address truancy problems while avoiding formal legal action (either in Family Court or in the form of fines against parents/guardians) by resolving barriers to school attendance and returning children to school in a sustainable fashion. Meeting as a group to set a strategy for each case, we will seek to minimize the intrusiveness of our response by calling upon the organization(s) whose services are best suited to resolving the issues unique to that case.

1. School Districts of Orleans County will be responsible for:

- A. Initial communication with the home
- B. Data collection that will be forwarded to the designated truant officer who will forward the complaint, when appropriate to the State's Attorney

* Vermont Statutes, Title 16, Chapter 25, § 1126. **Failure to attend; notice by teacher** When a pupil between the ages of six and 16 years, who is not excused or exempted from school attendance, fails to enter school at the beginning thereof, or being enrolled, fails to attend the same, and when a pupil who has become 16 years of age becomes enrolled in a public school and fails to attend, the teacher or principal shall forthwith notify the superintendent or school directors, and the truant officer, unless the teacher or principal is satisfied upon information that the pupil is absent on account of sickness. (Amended 1965, No. 46, § 3, eff. May 5, 1965; 1975, No. 48, § 11, eff. April 15, 1975; 1999, No. 113 (Adj. Sess.), § 4.)

- C. Participation in Truancy Group meetings and as appropriate, treatment team meetings and group conferencing held by the NCJC and OCCD

2. Newport Community Justice Center (NCJC) will be responsible for:

- A. Receipt of referrals and case documentation from Orleans County State's Attorney
- B. Intake interviews with referred individuals and family members when they contact the NCJC as requested in writing by law enforcement
- C. Collecting other background information from schools and other sources after intake interviews
- D. Negotiating an agreement with child, family, and school and other relevant agencies regarding a course of action
- E. Setting up and executing family group conferences or treatment team meetings as needed
- F. Making appropriate referrals to area agencies
- G. Providing case management and planning services where the NCJC is selected as the lead agency on a case
- H. Working directly with sending schools to comply with state and federal law relating to special education and 504 services
- I. Providing follow up on case plans
- J. Working collaboratively with DCF, OCCD, and the other parties to this MOU to maximize the effectiveness of program efforts to resolve truancy problems
- K. Documenting each case, including non-compliance or failure at any stage, and notifying DCF and the State's Attorney's office of progress and outcomes

3. Orleans County Court Diversion (OCCD) will be responsible for:

- A. Receipt of referrals and case documentation from Orleans County State's Attorney
- B. Initial contact and intake with referred individuals, family members, and school personnel
- C. Collecting other background information from schools and other sources after intake interviews
- D. Making and executing a plan of action or contract with applicant, parents and appropriate school staff and support agency(s) staff
- E. Setting up and executing family group conferences or treatment team meetings
- F. Making appropriate referrals to area agencies
- G. Providing case management and planning services where the OCCD is selected as the lead agency on a case
- H. Working directly with sending schools to comply with state and federal law relating to special education and 504 services
- I. Providing follow up on case plans
- J. Working collaboratively with DCF, NCJC, and the other parties to this MOU to maximize the effectiveness of program efforts to resolve truancy problems
- K. Documenting each case, including non-compliance or failure at any stage, and notifying DCF and the State's Attorney's office of progress and outcomes


4. Dept. for Children and Families (DCF) will be responsible for:

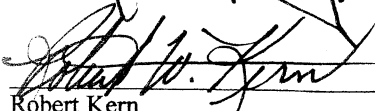
- A. Participation in Truancy Group meetings and as appropriate, treatment team meetings and group conferencing held by the NCJC and OCCD

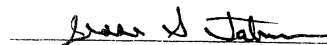
- 5. Orleans County State's Attorney (SA) will be responsible for:**
 - A. Participation in Truancy Group meetings and as appropriate, treatment team meetings and group conferencing held by the NCJC and OCCD
 - B. Staffing cases with Truancy Group and making appropriate referrals
 - C. Accepting documentation from the NCJC and OCCD in regards to noncompliance or failure of program
 - D. Act as coordinator of Truancy Group
- 6. Northeast Kingdom Human Services**
 - A. Participation in Truancy Group meetings and as appropriate, treatment team meetings and group conferencing held by the NCJC and OCCD
- 7. Northeast Kingdom Community Action (CAYS)**
 - A. Participation in Truancy Group meetings and as appropriate, treatment team meetings and group conferencing held by the NCJC and OCCD
- 8. Newport City Police Department**
 - A. Participation in Truancy Group meetings and as appropriate, treatment team meetings and group conferencing held by the NCJC and OCCD
- 9. Orleans County Sheriff's Department**
 - A. Participation in Truancy Group meetings and as appropriate, treatment team meetings and group conferencing held by the NCJC and OCCD
- 10. Headstart and Early Headstart**
 - A. Participation in Truancy Group meetings and as appropriate, treatment team meetings and group conferencing held by the NCJC and OCCD
- 11. NEKCA Parent Child Center (PCC)**
 - A. Participation in Truancy Group meetings and as appropriate, treatment team meetings and group conferencing held by the NCJC and OCCD
- 12. Northeast Kingdom Learning Services (NEKLS)**
 - A. Participation in Truancy Group meetings and as appropriate, treatment team meetings and group conferencing held by the NCJC and OCCD
- 13. Vermont State Police**
 - A. Participation in Truancy Group meetings and as appropriate, treatment team meetings and group conferencing held by the NCJC and OCCD
- 14. Brighton Police Department**
 - A. Participation in Truancy Group meetings and as appropriate, treatment team meetings and group conferencing held by the NCJC and OCCD


All participating parties will be responsible for maintaining confidentiality consistent with applicable state and federal law.


TRUANCY M.O.U.
Signatures of Agreement

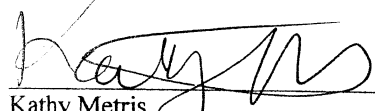

Keith Flynn
Orleans County State's Attorney

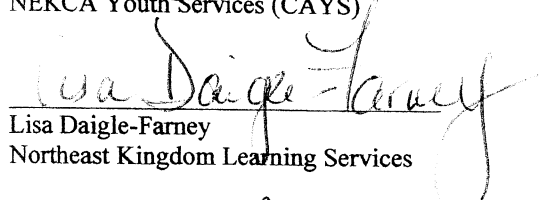

Robert Kern
Superintendent, North Country S.U.

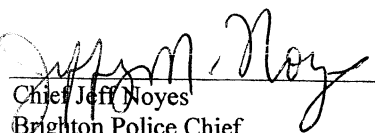

Jesse Tatum
Newport Community Justice Center

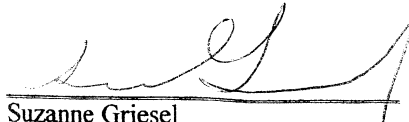

Eric Degree
Lake Region Union High School

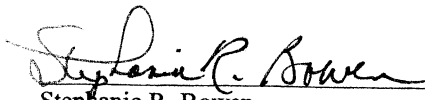

Ann Sparrow
Headstart & Early Headstart



Kathy Metris
NEKCA Youth Services (CAYS)

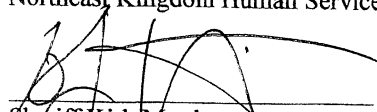

Lisa Daigle-Farney
Northeast Kingdom Learning Services

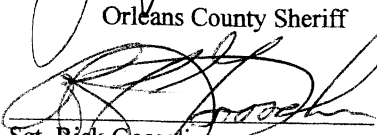

Chief Jeff Noyes
Brighton Police Chief

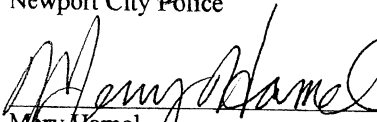

Suzanne Griesel
Department for Children and Families

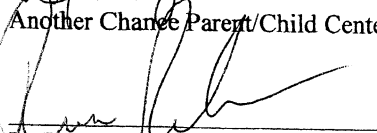

Stephanie R. Bowen
Orleans County Court Diversion


Carol Boucher
Northeast Kingdom Human Services


Sheriff Kirk Martin
Orleans County Sheriff


Sgt. Rick Gosselin
Newport City Police


Mary Hamel
Another Chance Parent/Child Center


Lt. Russ Robinson
Vermont State Police



October 20, 2009

Armando Vilaseca, Commissioner
Vermont Department of Education
120 State Street
Montpelier, VT 05620-2501

53 Green Street
Brattleboro
Vermont
05301

Dear Commissioner Vilaseca:

In response to your request for public comment regarding truancy legislation in the house and senate committees on education, we write to give you an overview of the development of the WSESU School Attendance Protocol and School Attendance Council.

WSESU School Attendance Protocol

In 2004, Windham Southeast Supervisory Union (WSESU) established a school attendance protocol for the district in partnership with the Windham County State's Attorney and the Vermont Department for Children and Families (Attachment A). A team of administrators and district staff from elementary age through high school prepared the protocol drawing on the Chittenden, Rutland and Franklin-Grand Isle models. This protocol provides a uniform approach across all schools and grade levels to ensure that students are in school and learning. The protocol is communicated to every student's family at the start of the school year. Daily school attendance is critical to successful school performance. Being present on time is a life skill to be cultivated. The long term goal is for all students to gain an education and all that it makes possible.

Because establishing a pattern of school attendance begins in the elementary years, WSESU intentionally refers to its protocol as a School Attendance Protocol rather than a Truancy Protocol. WSESU believes that school attendance needs to be addressed at all levels of a child's education, not only when the child reaches middle and high school. School attendance issues are an indication that the child and/or his/her family have some challenges and it is the intention of the WSESU community to help the children and families address these issues in a collaborative way rather than with a punitive approach.

WSESU School Attendance Council

Meetings with Hon. John Wesley and the Chittenden Truancy Council led to the formation of the WSESU School Attendance Council in 2008. The Council's purpose is to tackle the challenges related to enforcing the protocol and to collaborate with community partners to support families to get their children to school on time ready to learn.

School Attendance Council Membership:

- WSESU superintendent
- Representatives of school-based teams
- WSESU Family Liaison
- Human Services representatives including Health Care and Rehabilitation Services (HCRS) and Youth Services.
- Vermont Department for Children & Families

"An Education of Excellence"

Representing

Brattleboro, Dummerston, Guilford, Putney, Vernon, Brattleboro Union High School,
Brattleboro Area Middle School, and the Southeastern Vermont Career Education Center

Telephone:
802-254-3731
FAX:
802-254-3733

The Council has an agenda to reduce tardiness, the drop-out rate and to increase children/youth's school attendance:

1. Support the School Based Attendance Teams: These in-school teams meet with the family to focus on attendance issues.

2. Support the Family Liaison: After the School Based Attendance Teams have done all they can, this WSESU staff liaison receives a referral to work closely with Brattleboro families who have great difficulty getting their children to school on time ready to learn. She coordinates with school and human services supports.

3. Collaborate with Community Partners to Impact School Attendance and Dropping Out:

- **Windham County Family Court**

Meetings in the Spring of 2008 with Hon. John Wesley, who at that time presided in the Windham County Family Court, led to the development of the WSESU School Attendance Council.

Presently, representatives of the School Attendance Council meet periodically with the Hon. Katherine Hayes to consider: How do we deal with the toughest cases? At what stage does the Court get involved? Judge Hayes encourages submitting cases early in the school year. She can order conditional custody, making it a court-ordered condition that the child attends school.

- **Windham County State's Attorney**

Tracy Shriver and her Deputy State's Attorney, Susan Cay, work closely with DCF, law enforcement and the courts to "put teeth" in the protocol.

- **Vermont Department for Children and Families**

Lisa Keller, Regional DCF District Director, and Supervising Social Worker, Lynn Winchester, respond immediately to referrals, collaborate with schools and present the toughest cases to the court.

- **Area Physicians**

After hosting discussions with area physicians regarding school attendance issues, they have offered to reach out to their patients who are consistently absent from school.

4. Monitor the number of students who are absent or late.

Staffing

In addition to the dedicated support of the Superintendent, the implementation of the protocol is supported by school-based attendance teams. Active support of school attendance occurs in every school. School-based attendance teams in the elementary schools are especially attentive, with the knowledge that early intervention in poor attendance habits pays off in the prevention of dropping out.

A half-time Family Liaison works with individual families referred by the school teams who present the most difficulty. The District Curriculum Coordinator maintains the data reports. The Developmental Assets Coordinator is responsible for running the School Attendance Council.

Commissioner Vilaseca

-3-

October 20, 2009

Each school has a School Health Action Committee (SHAC). Annually, these committees select indicators to impact through their activities throughout the school year. This year, every SHAC has targeted school attendance. The added support of the SHACs means that, instead of only relying on the school-based attendance teams responding to school attendance issues once they occur, some preventive measures can be taken. The Council coordinator collaborated in preparing a SHAC training on school attendance issues which identified numerous actions to improve the school environment, bus behavior, and parent education. Each SHAC is presently in the midst of designing a strategy for their school.

Measuring Our Success

We utilize results-based accountability to track the effectiveness of our school attendance strategy. Our dual evaluation focuses on first, impacting the drop out and school completion rates for our district with a team of community partners (Attachment B) and, secondly, improving our district's internal performance in implementing the protocol resulting in improved attendance (Attachment C).

Every school utilizes the Power School program to record absence and tardiness based on the frequency of absence described in the protocol. To measure our internal performance, a monthly district-wide report is submitted for review by the School Attendance Council (Attachment D). The reduction of absences is an essential part of the District's Action Plan.

As you can see, over the past five years we have developed an approach to school attendance that will impact attendance and dropping out of school. We appreciate the dedicated support of the members of the School Attendance Council, our community partners, the school-based teams and the school health action committees. Their work represents a multi-faceted plan that, over time, will make a difference. As you proceed with preparing your recommendations to the house and senate committees, please don't hesitate to contact us for further information.

Sincerely,

Ron Stahley, Ed.D. /s/
Superintendent of Schools

Lisa Keller /s/
District Director, Brattleboro Family Services
Vermont Department for Children and Families

Tracy Shriver /s/
Windham County State's Attorney

WSESU SCHOOL ATTENDANCE PROTOCOL

Revised March 6, 2009

Purpose To assure that the students and their families in WSESU Pre-K-12 schools have support in ensuring attendance at school. The intent is to ensure that students are in school and learning. Daily school attendance is critical to successful school performance. Being present on time is a life skill to be cultivated. The long term goal is for all students to gain an education and all that it makes possible. Measurable outcomes include an increase in attendance rates, a reduction of the drop-out rate and the number of juveniles on the Department of Children and Families (DCF) caseload.

Process School District expectations of families regarding tardiness and truancy:

TRUANCY

It is our shared responsibility to be sure that every child is safe and accounted for on every school day. If your child is absent from school, it is essential that you notify the school within 30 minutes of your school's start time.

The school will contact the parent/guardian at home or at work, but please note the following: If a child is not in school on a given day and we have not received notification from the parent/guardian, nor are able to verify the child's whereabouts, we are required to report each unverified absence to the appropriate police agency (e.g. the Sheriff's Office for Putney Central School) as early in the day as possible. To ensure the child's safety and to prevent truancy, the police agency will confirm the child's whereabouts.

TARDINESS

Students are expected to arrive at school no later than the stated start time for your school. Students arriving after this time are considered late and will be marked tardy. A pattern of tardiness puts a child at a disadvantage in school. Coming in late, the child regularly misses the opportunity to be greeted by everyone, settle into the day, learn the schedule for the day and generally get off to a positive start. We ask that parents work with the school to ensure that students arrive on time.

PROTOCOL APPROACH

This school attendance protocol utilizes a team approach, if necessary, to explore with the student and family what obstacles are hindering school attendance. An individualized plan will be developed to increase school attendance. Follow-up steps are set to assess if the plan is working for the student and the family. Records are kept in school files of all contacts related to this protocol made with the family of the student.

Team Membership The protocol initially relies on school staff to insure attendance. If needed at a later stage, staff from state and community agencies, as well as parent liaison supports, will assist.

Tardiness Tardiness is a disruption to the educational process. It sets a tone that de-values education. It disrupts the child's schedule for the school day.

<i>After <u>five</u> tardy days</i>	Teacher contacts family in person or by phone. Letter to go out to family from principal.
<i>After <u>seven</u> tardy days</i>	Letter to go out to family from principal. Parent meeting scheduled with counselor and teacher.
<i>After <u>ten</u> tardy days</i>	Letter to go out to family from principal. Parent meeting scheduled with principal, counselor and teacher. At the meeting, a release of information is signed by the family to allow discussion between the school and outside agencies if necessary.

Absences – both excused and unexcused

<i>After <u>five</u> absent days</i>	Phone call or letter to go out to family.
<i>After <u>seven</u> absent days</i>	Letter to go out to family, including if appropriate a request for a doctor's note for any future absences. Parent meeting may be scheduled with Educational Support Team (EST) or school personnel. At the meeting, a release of information is signed by the family to allow discussion between the school and outside agencies if necessary. Law enforcement may assist in getting release signed.

*** Copies of correspondence should be sent to DCF at seven absent days**

<i>After <u>ten</u> absent days</i>	Letter to go out to family. Parent meeting scheduled if appropriate with school personnel and representatives from outside agencies and programs. These could include the Youth Services, HCRS, DCF, and other community agency supports including law enforcement.
<i>After <u>fifteen</u> absent days</i>	Letter goes out to family. Referral may be made to DCF.
<i>Dependent on the DCF assessment</i>	Affidavit goes to Windham County State's Attorney and law enforcement
<i>Dependent on the State's Attorney's assessment</i>	The State's Attorney makes the decision whether the case should go to Windham County Family Court or District Court.

Missed Conference Meetings If a parent misses a conference regarding tardiness or absences, a follow-up letter will be sent:

After 7 days

After 10 days

If a conference regarding absences is missed, DCF may be contacted.

Ron Stahley, Superintendent
Windham Southeast Supervisory Union

Date

Lisa Keller, District Director
VT Department of Children and Families

Date

Tracey Shriver, State's Attorney
Windham County

Date

WSESU SCHOOL ATTENDANCE COUNCIL

2008-09 Year-End Population Accountability Summary

The Seven Population Accountability Questions

1. What is the quality of life condition we are focusing on that we want for the children and families who live in our community?

- Children Succeed in School

2. What would this condition look like if we could see it?

- Children arrive at school on time ready to learn.

3. How can we measure this condition?

- Brattleboro Union High School Drop Out Rate
- Brattleboro Union High School Completion Rate

4. How are we doing on the most important measure?

Drop Out Rate increasing

2008 High School Event Completion – 81.66% of 289 seniors State 92.44%

2008 High School Cohort Graduation – 81% seniors graduated in 4 years State 85.44%.

5. Who are the partners who have a role to play in doing better?

- A. School Attendance Council members – community partners
 - i. State's Attorney
 - ii. Dept. for Children and Families
 - iii. HCRS – School Clinicians Supervisor and Police Social Worker
 - iv. Youth Services
 - v. School Resource Officer
- B. Family Court Judge
- C. Family practice physicians
- D. Brattleboro Area Prevention Coalition

6. What works to do better, including no-cost, low-cost ideas?

- A. Annual session with Family Court Judge
- B. Informational meetings with physicians
- C. Learning directly from the source – can we investigate what happens to our drop outs?
Do they complete their schooling elsewhere?
- D. Parent education – start in the early grades
- E. Media blitz – PSAs on importance of getting to school on time

7. What do we propose to do during the upcoming 2009-10 year?

- BAPC – Parent Education regarding truancy issues
- Meeting with BMH Pediatricians July 6
- Meeting with Judge Hayes over summer

ADDISON/RUTLAND CONSORTIUM SECONDARY SCHOOL TRUANCY PROCEDURES

Truancy: V.S.A. Title 16. 1126

When a pupil between the ages of seven and sixteen years, who is not excused or exempted from school attendance, fails to enter school at the beginning thereof, or being enrolled, fails to attend the same and when a pupil who has become sixteen years of age becomes enrolled in a public school and fails to attend, the teacher or principal shall forthwith, notify the superintendent or school directors, and truant officer, unless the teacher or principal is satisfied that the pupil is absent on account of sickness.

Truancy Procedure

1. The teacher will report the student absent from class to the school administration.
2. School administration will contact the parent / guardian inquiring about the student's absence and document the result of that contact.
3. At the point where a student has missed the equivalent of five days, without reasonable excuse within a school year, the school administration, will send a letter to the parent / guardian by certified mail which will indicate the dates of the absences, and that the student is considered truant under *V.S.A Title 16, 1126*. The letter will offer services to the family and may request that an Act 264 meeting be held to address the attendance issue.
4. If an Act 264 meeting occurs, the school truant officer, as defined in *V.S.A. Title 16, 1125* will be present and a plan to address truancy will be developed. The completed written plan will be sent to the parent and all members of the Act 264 team. The truant officer and the school principal will keep a file of the written plan.
5. If absences continue, an internal letter will be sent by the school principal to the truant officer and superintendent stating that the student is truant. A copy of this letter will be sent to the parents by certified mail. In addition, the truant officer will deliver a copy of this letter in person. The letter will state that parent(s) must compel the student to attend school and that the student, under Vermont State Statute is currently considered truant. This letter will also state that if the child continues to be absent without a valid excuse, a charge can be filed against the parents in criminal court and/or family court. This letter will be copied to the Department for Children and Families, Family Services Division (DCF) and the Addison County States Attorneys office.
6. If the absences continue, the truant officer will submit a letter or affidavit, outlining the offense to DCF and the State's Attorney. A copy will be sent to the superintendent and school principal. DCF and the State's Attorney will consult to determine the best course of action. This may include one or more of the following options:

- DCF will commence a Chapter 55 assessment to determine the needs of the family concerning the truancy.
- The States Attorney can request through District court that a criminal charge be filed and the parent / guardian be fined up to \$1000.00.
- The States Attorney may file a petition with the Addison County Family Court requesting a hearing on the matter, alleging that the parents are neglecting the child's educational needs. In addition to the petition, information, assessments and /or recommendations by the school, DCF or other member of the 264 team will be made available to the Judge prior to the hearing.
- The Judge has the option, under Vermont State statute, to transfer custody from the parents to the state.

February 19, 2009

Family Services Truancy Policy

33 VSA Chapter 55, §5509 (2) authorizes the division "to receive and examine complaints and allegations that a child is in need of care or supervision with respect to a child for the purpose of considering the commencement of proceedings under this chapter". This provision gives the division authority to intervene in families when child abuse and neglect as defined in Chapter 49 is not alleged, but a child may still be at risk.

Practice Principles

These principles will guide our involvement with the families and children in Chapter 55 assessments:

- ④③ The role of the division in the lives of families should be minimized;
- ④③ The family and community context of the child's behavior will be assessed;
- ④③ Intervention should assist the family to utilize family, kinship and community resources.

Timelines and Issues for Assessments

The division will commence an assessment within five days of receiving a referral that meets the criteria stated above. If safety of the child is an issue, the assessment will commence sooner. The division will provide services for sixty days only, unless an affidavit has been filed with the states' attorney.

Children who are the subject of Chapter 55 assessment may not be interviewed without the permission of the parent or caretaker.

The results of the assessment will not be entered into the Child Abuse Registry, unless during the course of the assessment, the worker determines that child abuse or neglect has occurred which meets statutory definitions under Chapter 49. Assessments must be concluded within 60 days, and will focus on family strengths, resources, contributors to family stress, risks to the child posed by the family and/or risks posed by the child's behavior. At the conclusion of the assessment, the social worker will make one of the following recommendations to supervisor and complete the appropriate SDM tools (IA Summary and Case Determination):

- Close case, with referrals to community resources, as appropriate; or
- File of an affidavit to support a CHINS (B) or (C) petition and recommend a finding of CHINS. If the recommendation is to file a petition, the district will contact the state's attorney within five days. If a petition will not be filed, the district office will inform the referring person that, within thirty days, he or she may ask the state's attorney to file a petition (33 V.S.A. § 5517: "Upon the request of the Commissioner of social and rehabilitation services, a licensed child caring agency, family service agency or the superintendent of the school district in which the child is enrolled, the state's attorney having jurisdiction shall prepare and file a petition alleging that a child is in need of care or supervision.").

Criteria for Division Involvement

The division will provide assessment services when it is alleged that a child is in need of care or supervision under the following circumstances.

Educational Neglect

The division will assess allegations that a parent knowingly fails to enroll a child in school or to provide education in accordance with 16 VSA §1121 (CHINS(B)).

"If the court finds all of the allegations...have been established, it shall find the child in need of care and supervision...."

"Services will be provided through a coordinated effort by....human services, the department of education and community based interagency teams."

Habitual Truancy

The division will assess allegations that through the parent's, caretaker's, or responsible person's action or inaction, the child has regularly failed to attend school (i.e. the child is certified by the local school system as habitually truant and at least one-half of an academic year has elapsed.) (CHINS(C)).

SUPERVISORY TASKS:

- Following intake, determines whether or not criteria for intervention are met. If so, assigns social worker.
- After review of the case with the worker, determines if information from the assessment warrants court action.
- Following notification of an unanticipated emergency detention order, reviews situation and determines whether or not criteria for social services intervention are met. Notifies court and state's attorney of the division position; assigns social worker to attend detention hearing to represent our position.
- Reviews any recommendation for the filing of a petition to ensure that this action is necessary.
- Opens case for on-going service beyond sixty days only when the department has been given custody or protective supervision of the child.

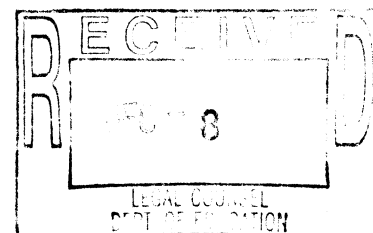
Bellows Free Academy
Union High School District #48
71 South Main Street
St. Albans, VT 05478-2297
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Vermont Department of Education



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12-7-09



Dear Commissioner Vilaseca:

As a result of a numerous hours spent comparing our current truancy practices with other district procedures, and working on the supervisory union's truancy protocol the following steps are planned for the schools within the supervisory union. Three schools have been represented at the meetings along with representatives from community social services, Northwest Counseling Support Services, Department of Children and Families, the director of the St. Albans Community Justice Center, the State's Attorney and Judge Keller.

The response to truancy has two parallel, but slightly different responses based on the differences between grade levels. **At the two elementary schools the truancy response is as follows:**

After 3 days of unexcused absences:

Contact parents

Announce next steps if intervention is not successful

After 5 days of unexcused absences:

School sends parent 5-day absence letter

Staff makes follow up call to ensure receipt

Schools may organize in house meeting with family

Announce next steps if intervention is not successful

After 7 days of unexcused absences

School representative calls or does home visit to set time for family meeting

Letter is sent to family verifying meeting time

Copy of letter is sent to superintendent

Community intervention team meeting is held and school attendance plan developed

Follow up is included in the plan

Announce next steps if intervention is not successful

After 10 Days of unexcused absences *

Letter sent to home and superintendent

Superintendent's Pay Number
873-6544

Principal's Office Pay Number
873-6544

Min. Office Pay Number
873-6544

Page 1 of 2

Superintendent forwards letter to state's attorney

Truancy affidavit sent to state's attorney

Plan initiated with court

*(This response is in the process of being modified in conjunction with the Community Justice Center and may be subject to modification. Modifications may include family group conferencing as a response to truancy.)

At the high school level the truancy response is as follows:

After 3 Days of unexcused absences

Attendance staff contacts parents

Announce next steps if intervention is not successful

After 5 Days of unexcused absences

Attendance personnel send out 5 day form letter

Attendance personnel make follow up call to parents to inquire if they need services or support

Announce next steps if intervention is not successful

7 Day

Letter is sent to parents announcing mandatory intervention team meeting

Copy of letter is sent to superintendent

Follow up call to set up meeting time is made to parents

Letter and call to invite other significant family members

Intervention team meeting is held and plan developed

Follow up is included in the plan

Announce next steps if intervention is not successful

After 10 Days of unexcused absences*

Truancy affidavit sent to state's attorney

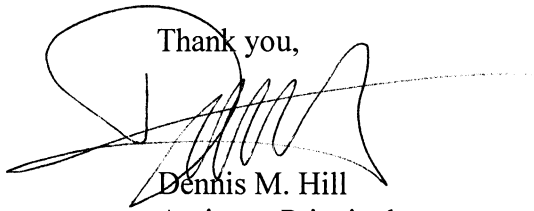
Plan initiated with court

*(This response is in the process of being modified in conjunction with the Community Justice Center and may be subject to modification. Modifications may include family group conferencing as a response to truancy.)

At this time the Franklin Central Supervisory Union Truancy Task force is continuing their efforts to refine and establish more meaningful truancy responses. These responses might include additional community and/or interagency support. The Community Justice Center is also involved and has played a significant role in the shaping of truancy responses for the future of our students.

If I can be of more assistance, please let me know.

Thank you,

A handwritten signature in black ink, appearing to read 'D Hill', with a large, loopy initial 'D' and several horizontal strokes.

Dennis M. Hill

Assistant Principal

BFA St. Albans, 05478

dhill@bfasta.net

802.527.6417

15 supervisory unions that cross county lines

	SU Name	SU #	LEA ID	LEA Name	County
1.	Addison-Rutland SU	4	T017	Benson	Rutland
			T042	Castleton	Rutland
			T073	Fair Haven	Rutland
			T098	Hubbardton	Rutland
			T148	Orwell	Addison
			T233	West Haven	Rutland
2.	Bennington-Rutland SU	6	T056	Danby	Rutland
			T059	Dorset	Bennington
			T119	Manchester	Bennington
			T134	Mt. Tabor	Rutland
			T150	Pawlet	Rutland
			T172	Rupert	Bennington
			T202	Sunderland	Bennington
3.	Blue Mountain Union SD	57	T087	Groton	Caledonia
			T175	Ryegate	Caledonia
			T229	Wells River	Orange
4.	Caledonia North SU	8	T117	Lyndon	Caledonia
			T203	Sutton	Caledonia
			T036	Burke	Caledonia
			T064	East Haven	Essex
			T135	Newark	Caledonia
			T185	Sheffield	Caledonia
			T240	Wheelock	Caledonia
5.	Essex-Caledonia SU	18	T225	Waterford	Caledonia
			T051	Concord	Essex
			T083	Granby	Essex
			T088	Guildhall	Essex
			T108	Kirby	Caledonia
			T116	Lunenburg	Essex
			T118	Maidstone	Essex
			T216	Victory	Essex
6.	North Country SU	31	T030	Brighton	Essex
			T044	Charleston	Orleans
			T054	Coventry	Orleans
			T058	Derby	Orleans
			T097	Holland	Orleans
			T105	Jay	Orleans
			T114	Lowell	Orleans
			T131	Morgan	Orleans
			T139	Newport City	Orleans

SU Name		SU #	LEA ID	LEA Name	County
			T140	Newport Town	Orleans
			T209	Troy	Orleans
			T231	Westfield	Orleans
			T258	Ferdinand	Essex
7.	Orange-Windsor SU	30	T046	Chelsea	Orange
			T171	Royalton	Windsor
			T184	Sharon	Windsor
			T199	Strafford	Orange
			T210	Tunbridge	Orange
8.	Orleans Southwest SU	35	T055	Craftsbury	Orleans
			T086	Greensboro	Orleans
			T092	Hardwick	Caledonia
			T195	Stannard	Caledonia
			T250	Wolcott	Lamoille
			T251	Woodbury	Washington
9.	Rutland-Windsor SU	39	T115	Ludlow	Windsor
			T133	Mt. Holly	Rutland
			T156	Plymouth	Windsor
10.	Rutland Northeast SU	36	T026	Brandon	Rutland
			T048	Chittenden	Rutland
			T081	Goshen	Addison
			T110	Leicester	Addison
			T122	Mendon	Rutland
			T154	Pittsford	Rutland
			T201	Sudbury	Rutland
			T241	Whiting	Addison
11.	Windham Central SU	46	T033	Brookline	Windham
			T060	Dover	Windham
			T104	Jamaica	Windham
			T120	Marlboro	Windham
			T137	Newfane	Windham
			T200	Stratton	Windham
			T208	Townshend	Windham
			T221	Wardsboro	Windham
			T246	Windham	Windham
			T248	Winhall	Bennington
12.	Windham Southwest SU	49	T090	Halifax	Windham
			T164	Readsboro	Bennington
			T182	Searsburg	Bennington
			T242	Whitingham	Windham
			T245	Wilmington	Windham

SU Name	SU #	LEA ID	LEA Name	County
		T194	Stamford	Bennington
		T261	Somerset	Windham
13. Windsor Central SU	51	T009	Barnard	Windsor
		T028	Bridgewater	Windsor
		T157	Pomfret	Windsor
		T163	Reading	Windsor
		T188	Sherburne (Killington)	Rutland
		T253	Woodstock	Windsor
14. Windsor Northwest SU	50	T020	Bethel	Windsor
		T085	Granville	Addison
		T091	Hancock	Addison
		T168	Rochester	Windsor
		T197	Stockbridge	Windsor
		T153	Pittsfield	Rutland
15. Windsor Southwest SU	53	T004	Andover	Windsor
		T008	Baltimore	Windsor
		T043	Cavendish	Windsor
		T047	Chester	Windsor
		T113	Londonderry	Windham
		T152	Peru	Bennington
		T236	Weston	Windsor